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**RESOURCES**

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**IDENTIFYING RESOURCES**

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**B. FACTORS THAT  
MAKE PROPERTY  
A RESOURCE**

Property of any kind, including cash, cannot be a resource in a month unless it meets all 3 criteria outlined below. The criteria outlined below is subject to change so a "nonresource" can become a resource and vice versa; i.e., a key factor can materialize or go out of existence.

**1. Ownership  
Interest**

An individual must have some form of ownership interest in property in order for the property to be considered a resource. The fact that an individual has access to property, or has a legal right to use it, does not make it a resource if there is no ownership interest (such as homestead rights).

**2. Legal Right  
to Access  
(Spend or  
Convert)  
Property**

An individual must have a legal right to access property. Despite having an ownership interest, property cannot be a resource if the owner lacks the legal ability to access funds for spending or to convert noncash property into cash.

The fact that an owner does not have physical possession of property does not mean it is not his/her resource, provided the owner still has the legal ability to spend it or convert it to cash.

An individual has free access to, and unrestricted use of, property even when he/she can take those actions only through an agent; e.g., a representative payee, conservator, etc.

**3. Legal Ability  
to Use For  
Personal  
Support and  
Maintenance**

Even with ownership interest and legal ability to access property, a legal restriction against the property's use for the owner's own support and maintenance means the property is not his/her resource.